

Assembly Bill No. 61

CHAPTER 139

An act to add and repeal Section 71093 of the Education Code, relating to the Compton Community College District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 2004. Filed with
Secretary of State July 14, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 61, Dymally. Compton Community College District: special trustee.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires the board of governors to appoint a chief executive officer, known as the Chancellor of the California Community Colleges. Existing law authorizes the establishment of community college districts, such as the Compton Community College District, under the administration of community college governing boards, such as the Board of Trustees of the Compton Community College District. Existing law authorizes the board of governors to provide, by regulation, for the appointment of a special trustee to manage a district that fails to achieve fiscal stability.

This bill would, until January 1, 2008, permit the board of governors to authorize the chancellor to suspend, for a period of up to one year, the authority of the Board of Trustees of the Compton Community College District, or of any of the members of that board, to exercise any powers or responsibilities or to take any official actions with respect to management of the district or any of the district's assets, contracts, expenditures, facilities, funds, personnel, or property. The bill would authorize the chancellor, with the prior approval of the board of governors, to renew a suspension as often as he or she finds it necessary. If and when the chancellor suspends the authority of the board of trustees or any of its members pursuant to the bill, the bill would authorize the chancellor to appoint a special trustee, in accordance with specified regulations of the board of governors, at district expense, to manage the district. The bill would authorize the chancellor to assume, and delegate to the special trustee, those powers and duties of the board of trustees that the chancellor determines, with the approval of the board of governors, are necessary for the management of the district. The bill would prohibit

the board of trustees from exercising any of the duties or powers assumed by the chancellor under the bill.

The bill would make a finding and declaration of the Legislature regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

The bill would require the board of governors, in the event that it determines that it may be necessary to maintain the authority granted by the bill beyond January 1, 2008, to make that recommendation, and its reasons therefor, in writing, to the Legislature and the Governor no later than July 1, 2007.

The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that the information collected by appropriate officials of the California Community Colleges clearly indicates that the Compton Community College District has failed to maintain fiscal integrity and warrants a conclusion that the district is unable to manage its own recovery.

(b) It is, therefore, the intent of the Legislature to provide the Board of Governors of the California Community Colleges with specific authority to ensure the stabilization of the financial condition of the Compton Community College District.

SEC. 2. Section 71093 is added to the Education Code, to read:
71093. Notwithstanding any other provision of law:

(a) The board of governors may authorize the chancellor to suspend, for a period of up to one year, the authority of the Board of Trustees of the Compton Community College District, or of any of the members of that board, to exercise any powers or responsibilities or to take any official actions with respect to the management of the district, including any of the district's assets, contracts, expenditures, facilities, funds, personnel, or property. With the prior approval of the board of governors, the chancellor may renew a suspension under this section as many times, and as often as, he or she finds it necessary during the period of operation of this section.

(b) A suspension authorized by this section becomes effective immediately upon the delivery of a document to the administrative offices of the Compton Community College District that sets forth the finding of the chancellor that a suspension pursuant to this section is necessary for the establishment of fiscal integrity and security in that district.



(c) If and when the chancellor suspends the authority of the Board of Trustees of the Compton Community College District or any of its members pursuant to this section, the chancellor may appoint a special trustee as provided in paragraph (3) of subdivision (c) of Section 84040, at district expense, to manage the district. The chancellor is authorized to assume, and delegate to the special trustee, those powers and duties of the Board of Trustees of the Compton Community College District that the chancellor determines, with the approval of the board of governors, are necessary for the management of that district. The Board of Trustees of the Compton Community College District may not exercise any of the duties or powers assumed by the chancellor under this section. The chancellor may appoint as a special trustee under this section a person who has served in a similar capacity prior to the enactment of the act that adds this section. A special trustee appointed under this section shall serve at the pleasure of the chancellor.

(d) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 3. The Legislature finds and declares that, because of unique circumstances, applicable only to the Compton Community College District and set forth in Section 1 of this act, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, the enactment of this special statute is necessary.

SEC. 4. In the event that the Board of Governors of the California Community Colleges determines that it may be necessary to maintain the authority granted in Section 71093 of the Education Code beyond the January 1, 2008, repeal date that is set forth in Section 2 of the act that adds this section, the board of governors shall make that recommendation, and its reasons therefor, in writing, to the Legislature and the Governor no later than July 1, 2007.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to preserve the fiscal integrity of the Compton Community College District, which is in imminent jeopardy, it is necessary that this act take effect immediately.

